

US App. Ser. No. 10/615,230
Response Dated September 29, 2005
Reply to Office Action of April 13, 2005

AMENDMENTS TO THE DRAWINGS

Applicant submits herewith a replacement sheet of drawings in which portions of prior Figure 2 are now labeled as Figures 2a-2d.

REMARKS/ARGUMENTS

Claims 1-19 are pending in the present application. The Examiner has rejected claims 1-5, 12 and 13, and objected to claims 6-8 and 14-16. Claims 9-11 and 17-19 have not been considered. Applicant hereby cancels claims 1-19 without prejudice, and submits new claims 20-37. Applicant respectfully requests consideration of pending claims 20-37 in view of the preceding amendments and the following remarks.

I. Claim Objections: 2, 4, 5, 9-11 and 17-19

The Examiner has objected to claims 2, 4 and 5 based on informalities, and has objected to claims 9-11 and 17-19 as being in improper form for multiple dependent claims. Applicant respectfully submits that the Examiner's objections are moot in view of Applicant's cancellation of claims 2, 4, 5, 9-11 and 17-19.

II. Drawing Objections

The Examiner has objected to the drawings because they include the following element numbers not mentioned in the description: 10-17, 19, 30, 35, and 43. Applicant has amended the specification herein to provide appropriate references to element numbers 10-17, 19, 30, 35 and 43.

The Examiner has also objected to the drawings because Figure 2 appears to incorporate more than one drawing under one figure number. Applicant has

subdivided Figure 2 into new Figures 2a-2d, as presented on the attached replacement sheet.

In view of the foregoing, Applicant submits that the Examiner's objections to the drawings are obviated.

III. Objections to the Specification

The Examiner has objected to the disclosure because of the following informalities:

...in lines 23-24 of page 12, reference number (29) is given to two different parts; in line 7 of page 13 and line 2 of page 14, reference numeral (39) is given to two different parts; the recitation of "figure 2" in line 24 of page 13 should be --figure 3--; in line 14 of page 14, the acoustic device is called (29) when it should be (20); the recitation of "and 7" in lines 23 of page 14 should be --and 6a--.

Applicant has amended the specification accordingly.

Also, the Examiner states, "the page numbers at the top of each page appear to have typographic errors that make, for example, page 11 look like page 111. This could cause confusion for the publication printers in the future if the application was to be allowed." Applicant respectfully disagrees. The present application has been published without such confusion on the printers' part. Applicant thus submits that revision of page numbers at the top of each page is

unnecessary. If the Examiner holds that revision of page numbers is necessary to allow the present application, Applicant will submit an appropriate substitute specification at the Examiner's request.

IV. Rejection of Claims 1-4 Based on 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-4 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,583,677 to Phillips ("Phillips"). Applicant respectfully disagrees. Applicant has canceled claims 1-4 without prejudice, rendering the Examiner's rejection moot.

V. Rejection of Claims 1-5, 12 and 13 Based on Double Patenting

The Examiner states:

Claims 1-5, 12 and 13 are directed to the same invention as that of claims 1, 2, 6-8, 15, and 16 of commonly assigned 10/986,677. The issue of priority under 35 U.S.C. 102(g) and possibly 35 U.S.C. 102(f) of this single invention must be resolved.

Claims 1-5, 12 and 13 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 2, 6-8, 15 and 16 of copending Application No. 10/986,677. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Applicant respectfully submits that the Examiner's 102(g) and 102(f) priority issues, as well as the statutory double-patenting rejection, are now moot in view of the cancellation of claims 1-5, 12 and 13.

VI. Examiner's Objection to Claims 6-8 and 14-16: Allowable Subject Matter

The Examiner has objected to 6-8 and 14-16 as being dependent upon a rejected base claim, but stated those claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has canceled claims 6-8 and 14-16, rendering the Examiner's objection moot.

VII. New Claims 20-37 Incorporating Allowable Subject Matter

Applicant submits new claims 20-37 for consideration. Applicant believes that new claims 20-37 are fully supported by the specification, figures and claims as originally filed, and that no new matter is presented.

Independent claim 20 incorporates elements of former claims 1 and 6, and independent claim 28 incorporates elements of former claims 3 and 6. Dependent claims 21-27 and 29-36 incorporate elements of former dependent claims. In view of the Examiner's indication of allowable subject matter in former claim 6 and the incorporation of that subject matter in the present amendments, Applicant submits that new independent claims 20 and 28 are allowable over the cited art. Further, dependent claims 21-27 and 29-36, being

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dependent upon allowable base claims, are also allowable for at least the foregoing reasons provided with respect to independent claims 20 and 28.

Independent claim 37 incorporates elements of former claim 5, which was not rejected by the Examiner based on Phillips. Applicant thus submits that claim 37 is allowable over Phillips. Applicant submits that the present inventors are the proper inventive entity for the invention embodiment recited in claim 37.

VIII. Conclusion

Applicant submits that pending claims 20-37 are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

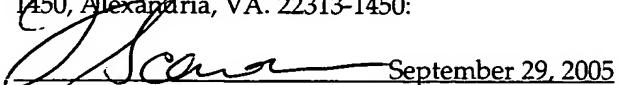
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Signature: Frances Scardino Date: September 29, 2005